

SECTION 00490

ADDENDUM NO. 6

This Addendum modifies, amends, and supplements designated parts of the Bidding Documents and are hereby made a part thereof by reference. It shall be the responsibility of each Bidder to be familiar with the contents of this addendum and to notify, if necessary any Subcontractors and Suppliers they propose to use for various parts of the services of any changes or modifications contained in this Addendum. No claims for compensation, due to lack of knowledge of the contents hereof, will be considered. Bidders must acknowledge receipt of this Addendum in the Bid Form and comply with the requirements for submission of Bids as set forth in the Bidding Documents.

REMINDER: Per Addendum No. 5 the deadline to submit bids is May 29th, 2014 at 10:00 AM prevailing local time.

CLARIFICATIONS

This summary NOTICE is hereby given to Prospective Bidders of the following information, clarifications and modifications to the Bidding Documents for Marlborough's Installation of Commercial Water Meters and MTU's Project, Contract No. 2014-16 Project as specified. The City of Marlborough based its meter specifications on the American Water Works Association (AWWA) who developed a national standard for single jet water meters (C712). At the time, this national standard was developed by a number of meter manufacturers, including Metron-Farnier, Neptune, Badger, Hersey, AMCO, Sensus, Itron and Master Meter. In developing its bid specifications, the City believed there was competition from at least three meter manufacturers who could meet the City's specifications. The City has made a written report in the public record for its rationale to use a proprietary specification for the above project. This written report of the City's determination was included as part of Addendum No. 4 as noted below. The City will make the final determination of "Or-Equal" and reserves the right to make that decision in conjunction with an outside neutral third party who has not been involved with the City's bid process.

Addendum No. 1 was issued in response to questions/comments submitted by Prospective Bidders for Marlborough's Project. In addition, the bid submission deadline was extended to May 8, 2014 at 10:00 AM.

Addendum No. 2 was issued in response to questions/comments submitted by Prospective Bidders for Marlborough's Project. After conducting a reasonable investigation, the City learned that there was no other single-jet water meter sold in the United States that appeared to meet the City's bid specifications which was originally designed to be open to all manufacturers and installers in accordance with M.G.L. c.30, § 39M to foster competitive bidding. The City provided its sound reasons in the public interest for use of proprietary specifications as documented in the Memorandum to File, which was made a part of Addendum No. 2 in the best interest of the City and the public. To ensure competition for its Project with use of proprietary specifications, the City obtained written confirmation from the manufacturer of Metron-Farnier meters that they would extend to meter installation companies that have qualified credit, direct

pricing for the City's single jet water meter purchase and installation project. The City believes that uniform pricing will be provided for competitive bidding in that each bidder's mark-up cost, if any, would vary and installation costs would vary due to each Prospective Bidder's individual overhead and profit margin. All prospective bidders under this project are required to pay their employees the minimum prevailing wage rate issued by the Commonwealth of Massachusetts, Department of Labor and Workforce Development, Division of Occupation Safety, which rates are included in the Bid Documents. This could also affect a Prospective Bidder's costs if they pay employees more than the minimum prevailing wage rate. In addition, the bid submission deadline was extended to May 15, 2014 at 10:00 AM.

Addendum No. 3 was issued in response to questions/comments submitted by Prospective Bidders for Marlborough's Project specifically in regards to concern that the manufacturer's distributor would have an unfair advantage in bidding because of its relationship with the manufacturer Metron-Farnier as the distributor for the region. To alleviate this concern, the City confirmed in writing with the manufacturer that it would provide equal pricing to all Prospective Bidders with qualified credit. All Bidders are required to submit meter pricing from the manufacturer as part of the Bid. In addition, reminder given that bid submission deadline is extended to May 15, 2014 at 10:00 AM.

Addendum No. 4 was issued in response to questions/comments submitted by Prospective Bidders for Marlborough's Project specifically confirming the City's intent of a Prospective Bidder's ability to offer an "Or-Equal" water meter as defined by M.G.L. c.30, § 39M (4) with the determination made within 30 days of the bid submission deadline in accordance with the provisions of M.G.L. c.30, § 39P prior to contract award.

Addendum No. 5 was issued in response to questions/comments submitted by Prospective Bidders for Marlborough's Project specifically to extend out the bid submission deadline to **May 29, 2014 at 10:00 AM**.

Addendum No. 6 is being issued in response to questions/comments submitted by Prospective Bidders for Marlborough's Project as noted. Due to the time-sensitive nature of this project with a substantial completion date of December 1, 2014, the City feels sufficient time and effort has been expended to respond to all questions/concerns submitted by Prospective Bidders during a reasonable bidding time-frame for **Marlborough's Installation of Commercial Water Meters and MTU's Project, Contract No. 2014-16 Project**.

Please note: The City has been in receipt of 3 responses to this Bid since April 30, 2014. Unless it is in the best interest of the City to do so, the City will not consider any further requests by Prospective Bidders for any additional extension of time for submission of bids under this Project.

The answers below are provided in response to questions and comments submitted by prospective Bidders.

...other products may be submitted for approval, does that pricing also need to come directly from the manufacturer...or will bids be accepted with product from distributors?...will the distributor also be required to expose their direct cost?

Response: Bids submitted with substitute (or equal) products may obtain pricing from a distributor if the distributor is NOT a Bidder. All Bidders shall submit direct costs with the Bid.

NOTICE is hereby given that the Bidding Documents have been modified and replacement pages are issued herewith.

Replacement pages have an Issue Date of **May 21, 2014**, contain reference to "ADDENDUM NO. 6" in the footer, and text changes identified by double-underline for additions and ~~Strikeout~~ for deletions.

Replacement pages (with text changes)	Provided for purposes of double-sided printing only - no changes (front or back of replacement page)
00120-1	00120-2
00210-1	00210-2
00451-1 and 2	
01003-2	01003-1

This Addendum is provided to Bidders in a single Portable Document Format (.PDF) posted on the City's website and will be available for examination at the Issuing Office. It is each Bidder's responsibility to check the website for Addenda per the Instructions to Bidders.

Bidders must comply with the requirements for submission of Bids in the Instructions to Bidders and the Bidding Documents remain unchanged except as indicated above.

Prepared and Issued by Woodard & Curran (Engineer) on behalf of:
City of Marlborough, MA (Owner)
Department of Public Works

END OF SECTION

SECTION 00120

INVITATION TO BID

The City of Marlborough (Owner) invites Bidders to submit sealed Bids for the Installation of Commercial Water Meters and MTUs Project 225414-Contract No. 2014-16 which includes, but is not limited to the purchase, delivery and installation of 550 water meters ranging in size from 1.5-inch to 6-inch. The Work also includes installation of Owner furnished Meter Transmission Units (MTUs) on all meters to be installed; and all materials and equipment, services and construction inherent to the Work.

Work associated with the water meter and MTU installation shall be substantially complete ~~within 180 calendar days from the commencement of Contract Time by December 1, 2014~~ and completed and ready for final payment ~~210 calendar days from the commencement of Contract Time by December 31, 2014~~.

The Project being bid is subject to Massachusetts General Laws, Chapter 30, Section 39M. A pre bid conference will not be held.

Sealed Bids will be received until 10:00 a.m. Thursday, May 29, 2014 at the Office of Assistant Commissioner, Utilities, Attention: Michele Mochnoc Higgins, Department of Public Works, Administration Offices-2nd Floor, 135 Neil Street, Marlborough, MA 01752. Bids will then and there be publicly opened and read aloud. Bids received after the time of announced opening will not be accepted.

Sets of Bidding Documents may be examined at the Issuing Office on or after April 16, 2014 after 10:00 a.m.

Issuing Office:

City of Marlborough Department of Public Works
Administration Offices-2nd Floor
135 Neil Street
Marlborough, MA 01752

Sets of Bidding Documents will be available as of April 16, 2014 and may be obtained **electronically at no cost** by registering on the Owner's website at:

www.marlborough-ma.gov (click Public Works then click DPW Procurement)

Complete sets of Bidding Documents shall be used in preparing Bids; neither Owner nor Engineer assumes any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Bidding Documents or for modifications to the Bidding Documents including electronic conversion.

Bid security in the amount of five percent (5%) of the maximum Bid amount including all alternates must accompany the Bid in accordance with the Instructions to Bidders.

Minimum wage rates as determined by the Commissioner of Department of Workforce Development under the provisions of Massachusetts General Laws, Chapter 149, Sections 26 to 27D inclusive, as amended, apply to this Project. It is the responsibility of the Bidders, before Bid opening, to request if necessary, any additional information on Minimum Wage Rates for those trades people who may be employed for the proposed Work under the resulting Contract.

Owner reserves the right to reject any or all Bids, including without limitation, nonconforming, nonresponsive, unbalanced, or conditional Bids. Owner further reserves the right to reject the Bid of any Bidder whom it finds, after reasonable inquiry and evaluation, to not be eligible or responsible. Owner may also reject the Bid of any Bidder if Owner believes that it would not be in the best interest of the Project or the public to make an award to that Bidder. Owner also reserves the right to waive all informalities not involving price, time, or changes in the Work and to negotiate contract terms with the Successful Bidder.

All qualified Bidders will receive consideration without regard to race, color, creed, religion, disability, sex or national origin. Minority and Women-owned businesses as certified by the Commonwealth's State Diversity Office ("SDO") are encouraged to apply.

END OF SECTION

SECTION 00210

SUPPLEMENTARY INSTRUCTIONS TO BIDDERS

The following supplement shall modify the Instructions to Bidders pursuant to Article 27 therein. This section does not represent or reflect all applicable Laws and Regulations and may only include excerpts, portions, and para-phrasing of certain Laws and Regulations. Bidders are solely responsible to determine, obtain, review and interpret the full text of applicable Laws and Regulations.

1.01 Supplements and Modifications to the Instructions to Bidders

Add the following to Article 3 – Qualifications of Bidders.

- 3.03 The Owner may reject any Bid where Bidder's reference projects listed in Section 00451 have water meters with a demonstrated failure rate of 5 percent or greater during the first year of use. "Failure" shall be deemed to be any meter stoppage, failure to record, under-register, or over-register. In determining the failure rate of any meter, the Owner may consider its own experience with specific meters in lieu of any reference supplied by the Bidder, or both.

Replace paragraph 11.01 in Article 11- Substitute and "Or-Equal" Items with the following.

- 11.01 Bidders may furnish items that are equal to the specified items. Under M.G.L., an item is considered equal if it: 1) is at least equal in quality, durability, appearance, strength and design; 2) will perform the intended function at least equally; and, 3) conforms substantially, even with deviations, to the detailed requirements contained in the specifications.

Add the following to Article 11- Substitute and "Or-Equal" Items.

- 11.02 On a separate sheet attached to the Bid submission, the Bidder shall direct attention to any deviations, including minor limitations and variations, from the Bid Documents. (1) The Bidder shall submit to the Owner for consideration of any or-equal substitution a written point-by-point comparison containing the name and full particulars on the proposed product and the product named or described in the bid submission. (2) The Bidder shall be completely responsible for submission of supporting documentation. (3) ~~Upon receipt of a written approval of an or-equal substitution, the~~ Owner Engineer shall investigate whether the proposed item shall be considered equal to the item named or described in the Bid Documents and in accordance with the provisions of MGL c.30, §39M. (4) Upon conclusion of the investigation, ~~Engineer~~Owner shall promptly advise the ~~City~~Engineer with written notice to the Bidder that the item is, or is not, considered acceptable as an Or-Equal substitution with documentation to support the determination. (5) Should the ~~Owner~~Engineer determine that the submitted product substitution is not equal to the specified standard, the ~~Owner~~Engineer shall send written notice of this to the Bidder. (6) This determination shall be made within thirty (30) days of the bid submission in accordance with the provisions of MGL c.30, §39P.

Add the following to Article 12 – Subcontractors, Suppliers and Others

- 12.05 Bidders must obtain pricing for proprietary meters directly from the manufacturer, Metron Farnier, by contacting Nisveta Karajkovic, Distribution Manager at (303) 449-8833 (phone), 303-449-1464 (fax) or nisvetak@metronfarnier.com. Bidders shall submit meter pricing from the manufacturer as part of the Bid.

1.02 Applicable Laws for Bid and Award; General

- A. This Contract is being bid under the provisions of Massachusetts General Law (MGL) Chapter 30, Section 39M, *Contracts for construction and materials; manner of awarding*.

1.03 Additional Defined Terms

- A. *Bid security* – Also “bid deposit” as used in MGL Chapter 30, Section 39M.
- B. *Lowest Responsible and Eligible Bidder* – the Successful Bidder, whose Bid is the lowest of those Bidders possessing the skill, ability and integrity necessary for the faithful performance of the Work; who shall certify its ability to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the Work; who shall certify that all employees to be employed at the Work Site will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins Work, and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee (if awarded a Contract); and who obtains within 10 days of the Notice of Award, the bonds required by the Standard General and Supplementary Conditions and the Additional Supplementary Conditions (consistent with the security by bond required under MGL Chapter 149 Section 29), provided that for the purposes of this Section the term “security by bond” shall mean the bond of a surety company qualified to do business under the laws of the Commonwealth and satisfactory to the Owner and if there is more than 1 surety company, the surety companies shall be jointly and severally liable, in accordance with the provisions of Chapter 30, Section 39M.

1.04 Other Requirements of the MGL Applicable to the Project

- A. **Foreign Corporations:** The provisions of MGL Chapter 30, Section 39L, *Public construction work by foreign corporations; restrictions and reports*, apply to this Project. If a Bidder is a foreign corporation, it shall provide with its Bid, a certificate of the state secretary stating that the corporation has complied with requirements of Section 15.03 of subdivision A of Part 15 of MGL Chapter 156D and the date of compliance, and further has filed all annual reports required by Section 16.22 of subdivision B of Part 16 of said Chapter 156D, and further, will provide such certificate for each Subcontractor that is a foreign corporation if it receives a Notice of Award. See Section 00450 of the Bidding Requirements.

SECTION 00451

CONTRACTOR'S QUALIFICATIONS

The following data, statements of experience, personnel, equipment and general qualifications of the Bidder are submitted as a part of the Bid and the Bidder represents and guarantees the truthfulness and accuracy thereof and **its ability to meet the qualifications requirements specified forth in the General Requirements**. Attach additional sheets as necessary properly cross referenced.

- A. Bidder's organization is a _____
(entity type) and has been in business continuously from the year _____.
- B. Bidder's organization has had experience in construction comparable to that required by the Contract Documents as a prime contractor for _____ years and as a subcontractor for _____ years.
- C. Following is a list of **at least 53 projects** that the Bidder's organization has completed for public utilities **within the last 5 years, 3 of which were** in the Commonwealth of Massachusetts ~~within the last 5 years~~, each with a contract value of \$1 million dollars or greater and a scope of work which includes the replacement of at least 1,000 water meters. Projects shall be similar in type, character and magnitude to that required by the Contract.

Client/Owner Name/Address	Project Name/Location	CURRENT Contact Name, Phone, Email	Time Period

Client/Owner Name/Address	Project Name/Location	CURRENT Contact Name, Phone, Email	Time Period

D. Following is a list of 4 public utility references where the same meter as that ~~specified in the Bidding Documents~~ submitted with the Bid has been in use for at least 2 years.

Client/Owner Name/Address	Project Name/Location	CURRENT Contact Name, Phone, Email	Time Period

ADDENDUM NO. 6

WOODARD & CURRAN

CONTRACTOR'S QUALIFICATIONS
00451-2

SECTION 01003

SPECIFIC PROJECT REQUIREMENTS AND PROCEDURES

The following supplement shall modify the requirements and procedures of Section 01001 using the same Article heading to which the supplement or modification applies. All provisions which are not so modified or supplemented remain in full force and effect.

The terms used herein have the meanings stated in the Standard General and Supplementary Conditions, Section 01001, and as may be defined herein.

Certain provisions required by Laws and Regulations may be referenced. Contractor is responsible to determine and obtain applicable Laws and Regulations and to review and interpret the full text of such Laws and Regulations.

1.01 ADMINISTRATIVE REQUIREMENTS

Pursuant to Paragraph A, Project Management and Coordination; Meetings,

subparagraph 1 regarding contact information,

- the Project contact list will be provided at the Preconstruction Conference and Site Mobilization Meeting.
- Provide a 24 hour answering service in accordance with Section 02501.

subparagraph 4, identify documents and items for the Project as follows.

City of Marlborough MA Contract 2014-16 Installation of Commercial Water Meters and MTUs

subparagraph 7.a, Progress Meetings, monthly progress meetings or as needed will be held for the Project.

Pursuant to Paragraph B, Documentation of Progress,

subparagraph 3, provide construction photographs prior to start of construction to establish pre-construction conditions and to show progress in accordance with subparagraph 3 and Section 02501.

subparagraph 4, reports, submit the following additional reports.

Weekly progress/installation reports in accordance with Section 02501.

Pursuant to Paragraph C, Submittal Procedures,

subparagraph 1, address submittals as follows.

Engineer: Woodard & Curran
40 Shattuck Road, Suite 110
Andover, MA 01810
Attention: Rachel Gilbert
Phone: (978) 557-8150 • Fax: 978-557-7948
Email: rgilbert@woodardcurran.com

subparagraph 5, Shop Drawings, submit 6 prints and electronic files in PDF by email to Engineer.

subparagraph 7, Manufacturers' Installation Instructions and Certificates, submit 6 prints and electronic files in PDF by email to Engineer.

subparagraph 8.a, As-Built for Material and Equipment, submit 6 prints and electronic files in PDF by email to Engineer.

subparagraph 8.b, Conformed to Construction Record Drawings, will not be required.

subparagraph 8.d, Operation and Maintenance Data, submit 6 copies of final volumes, with electronic files in PDF format on CD, within 10 days after final inspection to Engineer.

1.02 QUALITY REQUIREMENTS

Delete subparagraphs B.2.a and B.2.b and replace with the following:

- a. have successfully completed at least five projects similar in scope and size as the project covered by the Contract Documents within the past five years and can provide satisfactory references for each.

Add the following after subparagraph B.2 regarding Qualifications.

3. Qualifications must include the following specialty experience.
 - Meter installation for at least 5 public utilities within the last 5 years, 3 of which were in the Commonwealth of Massachusetts, ~~within the last 5 years, at least~~ with a contract value of \$1 million dollars or greater and a scope of work which includes the replacement of at least 1,000 water meters with a demonstrated failure rate of less than 5 percent during the first year of use.
 - Projects for at least 4 public utilities where same meter as that submitted with the ~~Bids specified in the Contract Documents~~ has been in use for at least 2 years with a demonstrated failure rate of less than 5 percent during the first year of use.
 - Meter suppliers must have been manufacturing meters for at least 20 years.